



43:7024-491:128689

Box/SEQ
JC03 Rec'd PCT/PTC
24 MAY 2001
PCT
#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Before the Examiner
William L. Pak et al.)	(Unassigned)
)	
Serial No. 09/700,869)	
)	
Filing Date: November 20, 2000)	May 21, 2001
)	
CALCIUM CHANNEL REGULATORS)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office, please file the enclosed copy of the sequence listing in computer readable format as required by 37 CFR 1.821(e). It is also stated in the Notification that the Oath or Declaration is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. However, applicant submitted the Declaration/Power of Attorney in the above-referenced case on February 14, 2001. A copy of the submitted documents are enclosed in this communication. It is, therefore, believed that the application is now in condition for examination and such action by the Examiner is respectfully requested.

Applicant has not yet received a Filing Receipt in this case and requests such a receipt be sent.

It is believed that no fee is required for submission of the sequence listing in computer readable format enclosed herein. However, should any other fee be required, please charge such fee to Deposit Account Number 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on May 21, 2001	
_____ (Date of Deposit)	
Jason J. Schwartz	
_____ Name of Registered Representative	
_____ Signature	
May 21, 2001	
_____ Date of Signature	

By: _____

Jason J. Schwartz
Reg. No. 43,910
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Tower/Center
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204
(317) 634-3456



42:as:7024-491:117787

Rec'd PCT/PTO 24 MAY 2001

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

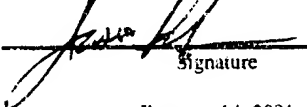
In re application of:)	Before the Examiner
William L. Pak et al.)	(Unassigned)
)	
Serial No. 09/700,869)	
)	
Filing Date: November 20, 2000)	February 14, 2001
)	
CALCIUM CHANNEL REGULATORS)	

SUBMITTAL OF DECLARATION / POWER OF ATTORNEY

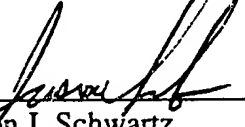
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Although a Notice of Missing Parts has not yet been received by Applicant, pursuant to 35 U.S.C. § 371(c)(4), Applicant files herewith their Declaration/Power of Attorney which was previously filed unsigned. A check in the amount of \$130 is enclosed in accordance with 37 C.F.R. § 1.492(e). Should any other fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on:	
February 14, 2001	_____
(Date of Deposit)	
Jason J. Schwartz	_____
Name of Registered Representative	
	_____
Signature	
February 14, 2001	_____
Date of Signature	

Respectfully Submitted,

By: 
Jason J. Schwartz
Reg. No. 43,910
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
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(317) 634-3456



WOODARD, EMHARDT, NAUGHTON, MORIARTY & MCNETT
COMM. OF PATENTS & TRADEMARKS

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107022	7024-491/3	02-14-01	130.00	AS/DECLARATION/POWER OF	130

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WOODARD, EMHARDT, NAUGHTON,
MORIARTY & McNETT

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111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, INDIANA 46204-5137

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	09/700869	FIRST NAMED APPLICANT	PAK	W	7024491PUR92
				INTERNATIONAL APPLICATION NO.	

JASON J SCHWARTZ
BANK ONE CENTER TOWER SUITE 3700
111 MONUMENT CIRCLE
INDIANAPOLIS, IN 46204

RECEIVED

MAY 04 2001

Woodard, Emhardt, Naughton,
Mortuary & McInerney

PCT/US99/10821

I.A. FILING DATE	PRIORITY DATE
18 MAY 99	18 MAY 98

DATE MAILED: 30 APR 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☐ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

John L. Anderson

Telephone: 703-308-9116



UNITED STATES DEPT. OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/700869	PAK	W 7024491PUR92
INTERNATIONAL APPLICATION NO.		
PCT/US99/10821		
I.A. FILING DATE	PRIORITY DATE	
18 MAY 99	18 MAY 98	

JASON J SCHWARTZ
BANK ONE CENTER TOWER SUITE 3700
111 MONUMENT CIRCLE
INDIANAPOLIS, IN 46204

DATE MAILED:

30 APR 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

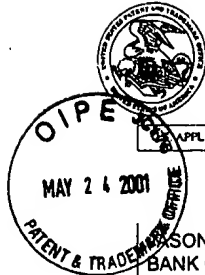
FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

John L. Anderson

Telephone: 703-308-9116



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/700869	PAK	W 7024491PUR92
INTERNATIONAL APPLICATION NO.		
PCT/US99/10821		
I.A. FILING DATE	PRIORITY DATE	
18 MAY 99	18 MAY 98	

JASON J SCHWARTZ
BANK ONE CENTER TOWER SUITE 3700
111 MONUMENT CIRCLE
INDIANAPOLIS, IN 46204DATE MAILED **30 APR 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | | |
|---|---|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | <input checked="" type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). | |
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.



ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

John L. Anderson

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-308-9116